

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUKE WAID AND MICHELLE
RODRIGUEZ, individually and as
next friends of one minor child,
SOPHIA RODRIGUEZ-WAID,

Plaintiffs,

No. 2:16-cv-10444-JCO-MKM

HON. JOHN CORBETT
O'MEARA

v

MAG. MONA K. MAJZOUB

GOVERNOR RICHARD DALE
SNYDER, in his official capacity,
and the STATE OF MICHIGAN, for
prospective relief only, *et al.*,

Defendants

**STATE DEFENDANTS' RESPONSE TO MDEQ DEFENDANTS'
MOTION FOR CHANGE OF VENUE**

State Defendants (Governor Snyder, State of Michigan, and the Michigan Department of Environmental Quality) respond to the MDEQ Defendants' Motion for Change of Venue (Dkt. 57) as follows:

1. On October 27, 2016, the MDEQ Defendants moved for a change of venue because the "local media's overwhelming and adverse publicity of this matter has made it nearly impossible for a fair and impartial jury to be impaneled in this Judicial District, and, perhaps, the State of Michigan." (Mot. for Change of Venue, Dkt. 57, Page ID

1111.) The MDEQ Defendants request that the Court not wait to transfer the case and order the relief sought at this time. (Mot. for Change of Venue, Dkt. 57, Page ID ## 1150, 1164.)

2. State Defendants neither oppose nor support the MDEQ Defendants' motion.

3. Nonetheless, resolution of the motion to change venue should not precede resolution of the already filed and soon-to-be filed dispositive motions.

4. On October 7, 2016, the City Defendants filed a motion to dismiss Plaintiffs' first amended complaint. (Dkt. 47.) In addition, State Defendants and Plaintiffs have agreed that the State Defendants response to Plaintiffs' first amended complaint shall be filed on or before November 21, 2016. (Dkt. 60 & 61.)

5. Moreover, the instant case is the companion case to several other cases in which dispositive motions are pending, including *Mays, et al. v. Snyder, et al.*, No. 15-14002, *Prince v. Kent, et al.*, No. 16-10020, *McMillian, et al. v. Snyder, et al.*, No. 16-10797, *Gilcreast, et al. v. Lockwood, Andrews & Newman, P.C., et al.*, No. 16-11173, and *Washington v. Snyder, et al.*, No. 16-11247. These motions raise similar

and overlapping legal and factual arguments. Thus, the resolution of a dispositive motion in any of these cases is likely to impact the others.

6. The MDEQ Defendants have filed similar motions to change venue in *Mays*, *McMillian*, *Gilcreast*, and *Washington*.

7. State Defendants will be prejudiced by any delay if the Court should decide to transfer this case to another venue before deciding the pending and soon-to-be pending motions to dismiss. State Defendants will not be similarly prejudiced if any transfer does not take effect until after the motion to dismiss is decided.

Accordingly, State Defendants ask that this Court postpone any ruling on the MDEQ Defendants' Motion for a Change of Venue until after the dispositive motions, including State Defendants' motion to dismiss the first amended complaint, have been fully resolved.

Respectfully submitted,

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Dated: November 10, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2016, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

Respectfully submitted,

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